

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES DAVID OFELDT,

Petitioner,

vs.

DIRECTOR, NDOC, *et al.*,

Respondents.

3:10-cv-00646-LRH-VPC

ORDER

Petitioner, through counsel, has filed a motion for an Order from the Court directing prison officials to permit and arrange for a contact visit with counsel in order to facilitate the drafting of the amended petition currently due in this Court on May 16, 2012. Petitioner has recently sought and obtained a third extension of time in which to file an amended petition for a writ of habeas corpus (ECF No. 20), which outlined the issues counsel experienced in attempting to visit petitioner in a confidential setting. Respondents do not oppose the motion, but request, without explanation, that no recording devices be permitted (ECF No. 23). Good cause appearing and in the interests of justice,

IT IS THEREFORE ORDERED that petitioner's motion for a Court Order Allowing Contact Visitation with Petitioner (EFC No. 22) is **GRANTED**. Respondent shall allow and facilitate private contact visits between petitioner, David Ofeldt, inmate number 81842, his court-appointed counsel, Glynn Cartledge and counsel's investigator or associate counsel or paralegal (Defense Team). Each visitation shall be for a period of time not less than one hour per visit, as requested by counsel, which request shall not be unreasonable and shall take into consideration the

1 security requirements of the prison. Each visit shall be conducted in a private room without glass or
2 other obstacles between petitioner and counsel. Petitioner may remain shackled during the interview
3 at the discretion of security staff or upon the request of counsel.

4 **IT IS FURTHER ORDERED** that respondents shall further ensure the confidentiality of the
5 visit as well as prison security by requiring the Prison CERT Team to remain outside the interview
6 room during such visitation. To ensure the safety of the visitor, the visit may be conducted in a room
7 with glass walls through which petitioner may be observed by the CERT Team. No recording
8 devices shall be permitted in the visiting room.

9 **IT IS FURTHER ORDERED** that this Order shall remain in effect throughout counsel's
10 continuing representation of petition in these proceedings.

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12 Dated this 28th day of March, 2012.



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15 LARRY R. HICKS
16 UNITED STATES DISTRICT JUDGE
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